



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Applicant : Pierre DUHOT et al.

Appln. No.: 09/542,546

Filed : April 3, 2000

For : METHOD FOR PRODUCING  
BRANCHED FATTY ACIDS  
USING GENETICALLY  
MODIFIED PLANTS

Art Unit : 1638

Examiner: B. McElwain

Atty. Dkt.: 31640-159397

Customer No.:



26694

PATENT TRADEMARK OFFICE

### Reply to the Supplemental Restriction Requirement

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is in reply to the Supplemental Restriction Requirement mailed June 5, 2002.

Applicants elect Group I set forth in the restriction requirement, claims 1 and 4-6. For the reasons set forth in the December 17, 2002 response, repeated below, applicants traverse the restriction requirement as it relates to the other claims, and requests rejoinder of the claims of Group I with those of Groups II-V, VII, VIII, and X to XII. The claims of Groups VI, IX, and XIII have been cancelled reserving the right to file divisional applications.

In a telephone conversation on October 11, 2001 with Attorney Michael A. Gollin, the Examiner indicated that she would give favorable consideration to examine a single group of claims drawn to the following categories:

- (1) a recombinant nucleic acid comprising a nucleic acid encoding a product that induces or stimulates synthesis of branched fatty acid(s), operably linked to a plant-functional promoter (as in claim 12, and dependent claims 13 and 14);
- (2) a vector comprising the recombinant nucleic acid (as in claim 17);
- (3) a plant cell containing the recombinant nucleic acid or vector (as in claims 18 and 19);
- (4) a transgenic plant comprising such a genetically modified plant cell (as in claims 20 and 21);
- (5) a process for producing branched fatty acids comprising producing such a transgenic plant (as in claims 1, dependent claims 4, 6, and 7, and claim 23);
- (6) the process for producing the branched fatty acids in a transgenic plant, further comprising the step of isolating the branched fatty acids (as in claim 2); and
- (7) the process involving co-transfection with a recombinant nucleic acid coding for an S-adenosyl methionine (SAM) synthetase (as in claims 8 and 16).

The Examiner took the position for purposes of restriction that all of the claims should be limited to an embodiment of the invention in which the recited recombinant nucleic acid encodes a single class or type of product that induces or stimulates synthesis of branched fatty acids; i.e., a nucleic acid encoding either:

- (a) an enzyme permitting transfer of one or more alkyl groups to a double bond of an unsaturated fatty acid (as in claim 5), or

(b) an enzyme that forces a plant to use a substrate comprising more than 3 carbon atoms for the synthesis of the aliphatic chain (as in claim 9).

The claims as amended relate to producing branched fatty acids from a plant cell, plant material, or a plant with a recombinant nucleic acid vector encoding an enzyme permitting transfer of one or more alkyl groups to a double bond of an unsaturated fatty acid. Claims directed to the disclosed process for producing branched fatty acids using a transforming nucleic acid encoding an enzyme that forces a plant to use a substrate comprising more than 3 carbon atoms for the synthesis of the aliphatic chain (restriction Groups VI and IX), or to the fatty acid products of the claimed process (restriction Group XIII), **have been canceled.**

Applicants respectfully submit that the search and examination of the claims as amended can be made without undue burden, since the search conducted for the process recited in the amended claims would also reasonably be expected to embrace the subject matter of the dependent claims drawn to the recombinant nucleic acids and vectors of the claimed process, the transgenic plant cells, plant material, and plants obtained by the claimed process, and extracting the branched fatty acids produced by the claimed process, which all form part of the same inventive concept. Accordingly, Applicants respectfully request that the amended claims be examined as a single group without further restriction. M.P.E.P. § 803.


From the foregoing, favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited. If any questions remain, the Examiner is invited to telephone the undersigned.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for

any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 22-0261**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Date: June 20, 2002

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Gollin', written over a horizontal line.

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